

Remarks

Claims 1-20 are pending.

Rejection of Claims under 35 U.S.C. § 112

Claims 1 and 3-8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for omitting essential elements, such omission amounting to a gap between the elements. The applicants respectfully traverse this rejection.

In his Office Action of July 28, 2004, p. 2, no. 2, the Examiner states “[t]he omitted elements are: the connection between the user and the NVT server.” The applicants respectfully submit that “the connection between the user and the NVT server” is not an essential element required to be in the claim. There is nothing, either in claim 1 itself, or in the specification, indicating that the element identified by the Examiner is in any way required for claim 1 to be definite. Moreover, if it is the Examiner’s position that the identified element is an essential element, the Examiner should provide “the rationale for considering the omitted elements critical or essential,” as required by MPEP § 706.03(d) and particularly the instructions for use of form paragraph 7.34.13. In the present rejection, the Examiner has provided no such rationale. Accordingly, the applicants respectfully submit that claims 1 and 3-8 are both definite and allowable.

Rejection of Claims under 35 U.S.C. § 102/103

Claims 1, 4, 9-11, and 17-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Liese et al., U.S. Patent No. 5,854,889 (Liese). Claims 2 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liese in view of Czarnik et al., U.S. Patent No. 5,812,529 (Czarnik). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Liese. Claims 5 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liese in view of Newman, U.S. Patent No. 5,987,633 (Newman). Claims 6 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liese in view of Biber et al., U.S. Patent No. 4,951,278 (Biber). Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liese in view of Haeri et al., U.S. Patent No. 6,385,615 (Haeri). Claims 8 and 15 stand rejected

under 35 U.S.C. § 103(a) as being unpatentable over Liese in view of Culbert, U.S. Patent No. 5,838,968. The applicants respectfully traverse these rejections.

Liese neither teaches nor suggests a network verification tool (NVT) apparatus including:

. . . an NVT server coupled to the at least one probe network device, wherein the NVT apparatus allows a user to create at least one task for the at least one task type by entering parameters into a template for each of the at least one task . . . ,

as required by independent claim 1, and generally required by independent claims 9, 17, and 19.

Regarding the claimed NVT server, the Examiner refers to Liese's execution server **16**. Additionally, the Examiner refers to Liese's client machines and cites column 3, lines 9-47 which state:

Therefore, according to the present invention, a method and system for heterogeneous network testing by a plurality of users is disclosed. The present invention requires at least one client machine, an execution server, and at least one custom server in a LAN (local area network) or WAN (wide area network) environment for heterogeneous network testing in which one or more client machines communicate with the execution server which in turn manages one or more custom servers that execute requested test cases. The custom servers may be of various types, including ISDN servers, SS7 servers and CG servers. A user on the network communicates to a client machine via a GUI (graphical user interface) which test case or test cases are to be executed. The requested test cases are retrieved and may be edited by the user on the client machine prior to communicating the test case information from the client machine to the execution server which coordinates the execution of test cases by an appropriate custom server. The results of the executed test case are stored and made available to other users on the network.

The client machine includes a GUI (graphical user interface) for performing tests on a variety of equipment using a variety of test cases. The client machine provides authentication abilities to ensure validation of users of the present invention. The GUI of the client machine provides a user-friendly interface for managing test cases and for conveniently maintaining (e.g. create, change, delete, store, access, etc.) test cases of new or existing test platforms and applications. While test cases can be retrieved from various existing platforms by the client machine, a generic test case can be maintained thereafter. The generic test case is easily directed to an arbitrary environment for performing a test. The client

machine has access to file servers containing test cases and database servers for access to test cases. The client machine manages its own set of generic test cases locally or through its own file servers. Multiple users can share test cases maintained by the present invention through their respective client machines to shared file servers.

From the cited portion of Liese, it is clear that Liese's client machine, and not his execution server or custom servers, is responsible for selecting, managing, and maintaining test cases. Thus, nothing identified by the Examiner as corresponding to a claim element of the applicants' claim one "... allows a user to create at least one task for the at least one task type," as required by claim 1. Moreover, claim 1 specifically requires that the "NVT apparatus allows a user to create at least one task for the at least one task type by entering parameters into a *template* for each of the at least one task . . ." (Emphasis added). No such teaching or suggestion is present in Liese.

Additionally regarding independent claim 9, Liese neither teaches nor suggests "converting the at least one task for transmission to the at least one probe network device." Although the Examiner equates the claimed at least one task with Liese's test cases, the Examiner states (regarding the claimed "converting"):

Liese also discloses that the execution server conveys protocols for successful completion of test request to custom servers that performs the requested tests . . . See column 3, lines 29-47. (Office Action of July 28, 2004, p. 4, bullet item 3)

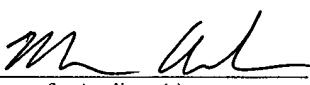
First, the applicants respectfully submit that the cited portion of Liese does not stand for the proposition presented by the Examiner. Second, the Examiner's characterization of Liese is with respect to conveying completion of a test *request*, not converting a test case (i.e., that which the Examiner equates with the claimed at least one task) for transmission to custom servers (i.e., that which the Examiner equates with the claimed at least one probe network device). Similarly, regarding independent claim 19, Liese neither teaches nor suggests "translating the tasks to task code."

Accordingly, independent claims 1, 9, 17, and 19 are allowable over Liese. Claims 2-8 depend from claim 1 and are allowable for at least this reason. Claims 10-16 depend from claim 9 and are allowable for at least this reason. Claim 18 depends from

claim 17 and is allowable for at least this reason. Claim 20 depends from claim 19 and is allowable for at least this reason.

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on
Oct 14, 2004.


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10/14/04
Date of Signature

Respectfully submitted,



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